

REMARKS

Claims 1-23 were pending with claims 1-4, 7, 8, 10-14, and 16-19 at issue. By this amendment, claims 1 and 13 are amended and claims 2 and 17 are canceled. The subject matter of claims 2 and 17 is incorporated into claims 1 and 13 respectively. No new matter is added. As a result, claims 1, 3-16, and 18-23 remain pending with claims 1, 3, 4, 7, 8, 10-14, 16, 18, and 19 at issue.

35 U.S.C. § 102 Rejections

The applicants respectfully submit that the anticipation rejections of claims 1, 3, 7, 10, 13, 16, and 18 over U.S. Patent No. 6,352,155 to Barber (“Barber”) are moot. In particular, by this amendment, the subject matter of claims 2 and 17 is incorporated into independent claims 1 and 13 respectively. Because claims 2 and 17 were not rejected as anticipated by Barber, amended claims 1, 3, 7, 10, 13, 16, and 18 are not anticipated by Barber. As a result, the applicants respectfully request withdrawal of the rejection of claims 1, 3, 7, 10, 13, 16, and 18.

35 U.S.C. § 103 Rejections

The applicants respectfully traverse the rejection of claims 8 and 14 as obvious over Barber. To establish a prima facie case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2143. Each of claims 8 and 14 recites a storage container comprising first and second cover sections wherein “an interior side of the second cover section defines a storage pocket, the storage pocket is housed inside the storage receptacle when the second cover section is in the closed position and the storage pocket is accessible when the second cover section is in the open position.” Barber fails to disclose or suggest this limitation as acknowledged by the official action (see page 4 of the official action). In fact, Barber fails to disclose or suggest storage pockets of any sort, let alone storage pockets on an interior of one of the panels (40, 70). Thus, claims 8 and 14 cannot be rendered obvious from Barber. The applicants respectfully request withdrawal of the rejection of claims 8 and 14.

The applicants respectfully traverse the rejection of claims 4, 11, 12, 17, and 19 as obvious over Barber in view of U.S. Patent No. 5,485,922 to Butcher (“Butcher”). Each of claims 4, 11, 12, 17, and 19, which depend from claim 1, as amended, recites a storage

container comprising first and second cover sections wherein “an interior side of the second cover section defines a storage pocket, the storage pocket is housed inside the storage receptacle when the second cover section is in the closed position and the storage pocket is accessible when the second cover section is in the open position.” “A *prima facie* case of obviousness may [also] be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.” *In re Geisler*, 116 F.3d 1465 (Fed. Cir. 1997). Barber teaches away from making the proposed modification of adding storage pockets to the panels (40, 70) of the Barber device. Thus, none of claims 2, 4, 11, 12, 17, and 19 can be obvious over any combination of Barber and Butcher.

In particular, Barber teaches that the panels (40, 70) include “flat planar platform member[s]” that form side platforms. *See* Barber col. 3, lines 44-45. Moreover, Barber teaches that the side platforms should “serve as a support for a mouse or other elements associated with control and operation of the personal computer.” *See* Barber, col. 2, lines 19-24. Thus, Barber teaches that the interior surfaces of the side panels (40, 70), i.e., the surfaces of the side panels (40, 70) that are exposed when the case is open, should be clear and flat in order to use equipment such as, a computer mouse for example, which requires a clear, flat surface for operation. One of ordinary skill in the art would not modify the interior surfaces of the side panels with objects or features, such as storage pockets, that might interfere with operation of the computer control equipment. As a result, any *prima facie* case of obviousness is rebutted by the fact that Barber teaches away from modifying the interior surfaces of the side panels (40, 70). Thus, none of claims 2, 4, 11, 12, 17, and 19 can be rendered obvious over Barber in view of Butcher because Barber teaches away from the claimed invention.

Conclusion

The applicants respectfully submit that the foregoing amendments do not raise new issues because amended claims 1 and 13 essentially have the same scope as previous claims 2 and 17. Thus, the applicants respectfully request entry of the foregoing amendments. Support for the amendments may be found in the specification and claims as originally filed. Thus, no new matter is added. No fees are believed due. However, if there are any fees (or refunds) required, the Commissioner is directed to charge (or credit) Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

March 27, 2007

Respectfully submitted,

By 
Michael A. Chinlund

Registration No.: 55,064
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Agent for Applicants